

REMARKS

Objection to Drawings

In response to the objection to the drawings as being illustrated in Japanese, Applicant resubmits herewith copies of the English translation of the drawings.

For the record, Applicant notes that English translation of the drawings were already provided on February 26, 2001 at the time International Application No. PCT/JP00/06090 was nationalized in the United States. Applicant attaches a copy of the date-stamped postcard receipt returned by the Office, which acknowledges receipt by the Office on February 26, 2001 of the "English Translation of International Appl. (36 pp. drawings, 73 pp. application including title page)" (emphasis added).

In accordance with MPEP § 503, which states that "[a] postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO," Applicant respectfully submit that the English translation of the drawings resubmitted herewith were already provided to the Office on February 26, 2001.

Notwithstanding, and in view of the copies of the English translation of the drawings resubmitted herewith, Applicant respectfully requests withdrawal of this ground of objection.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

The rejection of claims 9-15, 17, 27, 30, and 33-39 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been obviated by amendment. Each of claims 9-15, 17, 27, 30, 33, and 34 has been clarified by the present amendment. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 102(e)

The rejection of claims 1-39 under 35 U.S.C. § 102(e) as being anticipated by *Korpela* (United States Patent No. 6,311,054) is respectfully traversed. *Korpela* does not teach or suggest server systems or methods for distributing applications and for calculating license fees to be paid to providers for use of the applications.

By way of introduction, the claimed invention relates to information distribution server systems and distribution methods for distributing applications to radio portable terminals (e.g., cellular phones). As described in the specification (e.g., specification, page 9, lines 9-13), a user pays a predetermined usage fee (e.g., a monthly charge) to purchase a right that permits downloading and use of various applications (e.g., game software applications) registered and stored in a group of servers. As further described (e.g., specification, page 10, lines 9-13), the provider is the party who holds a license for a certain application and who reserves the right to receive a part of the user-paid fee as compensation (e.g., a license fee) for using the application.

Korpela describes methods and systems for determining charging information in mobile communication systems. Charge calculations as described in *Korpela* are based on the transferred amount of payload data (e.g., col. 1, lines 34-37) and/or call duration (e.g., col. 2, lines 35-38). Thus, in contrast to the claimed invention where charge calculations are based on usage of applications, the charge calculations described in *Korpela* are based on duration and/or amount of data transferred during calls, which are described as referring to voice calls, data calls, and video calls (e.g., col. 5, lines 56-59).

At a minimum, *Korpela* fails to teach or suggest applications for downloading to radio portable terminals and license fees to be paid to providers for using the applications. Moreover, *Korpela* contains no teaching or suggestion of “a detection section for detecting the status of usage of [an] application” or of “a computation section for calculating and outputting a license fee to be paid for each provider,” as required by independent claim 1. Furthermore, *Korpela* contains no teaching or suggestion of “detecting the status of usage of [an] application” or of “calculating a license fee to be paid for each provider,” as required by independent claim 34.


For at least the reasons set forth above, Applicant respectfully submits that the claimed invention is neither anticipated by nor would have been obvious in view of *Korpela*. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Conclusion:

In view of the Amendment and Remarks set forth above, Applicants respectfully submit that the claimed invention is in condition for allowance. Early notification to such effect is earnestly solicited.

If for any reason the Examiner feels that the above Amendment and Remarks do not put the claims in condition to be allowed, and that a discussion would be helpful, it is respectfully requested that the Examiner contact the undersigned agent directly at (312)-321-4257.

Respectfully submitted,



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